

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

DAVISHA I. FAVORS,

Petitioner,

v.

CIVIL ACTION NO. 1:05-0697

DEBORAH A. HICKEY,

Respondent.

MEMORANDUM OPINION AND JUDGMENT ORDER

By Standing Order filed in this case on August 26, 2005, this matter was referred to United States Magistrate Judge R. Clarke VanDervort. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge VanDervort to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation on May 25, 2006, and proposed that this court (1) confirm and accept the magistrate judge's findings, (2) dismiss without prejudice petitioner's writ of habeas corpus under 28 U.S.C. § 2241 for failure to prosecute (Doc. No. 1), and (3) direct the Clerk to remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Proposed Findings and Recommendation. Neither party filed any objections to the magistrate judge's proposed findings. The failure of any

party to file objections within the appropriate time frame constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985).

Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court (1) **CONFIRMS** and **ACCEPTS** the magistrate judge's findings; (2) **DENIES** without prejudice petitioner's writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1) for failure to prosecute; and (3) **DIRECTS** the Clerk to remove this action from the active docket of this court and to forward a copy of this Memorandum Opinion and Judgment Order to all counsel of record and the plaintiff, pro se.

IT IS **SO ORDERED** this 12th day of June, 2006.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge